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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/862,497	05/23/2001	Noriaki Watanabe	19519-302	9431

7590 03/18/2003  
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EXAMINER

CHU, JOHN S Y

ART UNIT	PAPER NUMBER
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1752

DATE MAILED: 03/18/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/862,497

Applicant(s)

WATANABE ET AL.

Examiner

John S. Chu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 23 May 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 2-4 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 3 and 4 is/are allowed.
- 6) ☒ Claim(s) 2 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☒ Certified copies of the priority documents have been received in Application No. 09/287,568.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

This Office action is in response to the application filed May 23, 2001.

#### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in-

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or

(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

Claims 2 is rejected under 35 U.S.C. 102(e) as being clearly anticipated by

KAWAMURA et al '640.

The claimed invention is drawn to a photosensitive resin composition containing a high molecular compound having at least the constituting component represented by formulae (1), (2) and (3) sa copolymer components, and o-quinonediazide compound:

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wherein A represents a hydrogen atom or a methyl group; R' represents a single bond,  $-(\text{CH}_2)_m-$ ,  $-(\text{CH}_2)_m\text{NR}''\text{SO}_2-$ , or  $-(\text{CH}_2)_m\text{NR}''\text{CO}-$ ; m represents an integer of from 1 to 4; R'' represents a hydrogen atom or an alkyl group; R<sub>2</sub> represents  $\text{C}_n\text{F}_{2n+1}$ ; and n represents an integer of 3 or more;



wherein A represents a hydrogen atom or a methyl group; W represents an oxygen atom or  $-\text{NR}_3-$ ; R<sub>1</sub> represents a hydrogen atom, an alkyl group, or an aryl group; R<sub>2</sub> represents an alkylene group or an arylene group, each of which may have a substituent; and R<sub>3</sub> represents a hydrogen atom, an alkyl group, or an aryl group;



wherein A represents a hydrogen atom or a methyl group; W represents an oxygen atom or  $-\text{NR}_3-$ ; R<sub>1</sub> represents a hydrogen atom, an alkyl group, or an aryl group; and R<sub>2</sub> represents an aliphatic group having 9 or more carbon atoms, or an aromatic group substituted with an aliphatic group having 2 or more carbon atoms.

KAWAMURA et al anticipates the claimed invention at Examples 2B, 5B, 8B, 11B as seen in Tables 1B, 4B, 6B, 8B, 9B, respectively. The polymer used in those Examples is P<sub>1</sub>-12 which anticipates the copolymer of claim 2.

3. Claims 3 and 4 are allowed.

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The claims are further drawn to a photosensitive lithographic printing plate comprising a support having coated thereon a photosensitive layer containing the following components (a),

(b) and (c),

(a) an o-naphthoquinonediazide compound

(b) a resin soluble in an alkaline aqueous solution, and

(c) a polymer having a (meth)acrylate monomer having two or three perfluoroalkyl groups having from 3 to 20 carbon atoms in the molecule as a polymer component.

4. None of the prior art references of record disclose the claimed lithographic printing plate having the polymer of ingredient (c) in a photosensitive layer with ingredients (a) and (b).

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. HIGASHINO et al is cited of interest for teaching a lithographic printing plate having a quinonediazide compound, a novolak and a polymer, however this polymer fails to meet the claimed polymer in claims 3 and 4.


KAWAUCHI et al is the patent to the parent application 09/287,568.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Chu whose telephone number is (703) 308-2298. The examiner can normally be reached on Monday - Friday from 9:30 am to 6:00 pm.

The fax phone number for this Group is (703) 305-7718.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0661.

  
John S. Chu  
Primary Examiner, Group 1700

J. Chu  
March 11, 2003